

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

WILLIE CLAUDE PORTER

Plaintiff,

v.

Civil Action No.: 3:19 cv 7

DEPUY ORTHOPAEDICS, INC, et al.

Defendants.

**WILLIE CLAUDE PORTER'S MOTION
FOR VOLUNTARY DISMISSAL CONSISTENT WITH THE REPORT AND
RECOMMENDATION (ECF No. 35) FILED IN THIS MATTER**

Plaintiff Willie Claude Porter ("Porter"), by counsel, pursuant to FRCP 41(a)(2) moves the Court to grant him a voluntary dismissal without prejudice of counts I, II, III & VII and a voluntary dismissal with prejudice of counts IV, V and VI in his claims asserted in the Complaint against DePuy Orthopaedics, Inc., et al. Porter requests dismissal of this matter consistent with the Report and Recommendation filed on August 6, 2019 (ECF No. 35). The grounds and reasons in support of this Motion are set forth in Porter's Brief in Support filed herewith and incorporated herein by reference.

WHEREFORE, Plaintiff Willie Claude Porter, by counsel, respectfully requests that this Court grant this Motion and enter its Order dismissing without prejudice counts I, II, III, and VII and dismissing counts IV, V and VI with prejudice of his claims asserted in the Complaint against DePuy Orthopaedics, Inc, et al.

WILLIE CLAUDE PORTER

/s/ Charlotte P. Hodges

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was electronically served on the following counsel of record via the court's electronic filing system this 12th day of August, 2019:

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